

SERVICE DATE – JUNE 20, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 34210

SUNFLOWER RAIL COMPANY, LLC—CONSTRUCTION AND OPERATION
EXEMPTION—FINNEY COUNTY, KAN.

Docket No. FD 34210 (Sub-No. 1)

SUNFLOWER RAIL COMPANY, LLC—PETITION FOR CROSSING
AUTHORITY—IN FINNEY COUNTY, KAN.

Digest:¹ This decision vacates the conditional exemption granted in Docket No. FD 34210 and dismisses that proceeding without prejudice. Additionally, this decision dismisses as moot the related petition for crossing authority filed in Docket No. FD 34210 (Sub-No. 1) and closes that proceeding.

Decided: June 18, 2018

By petition filed on January 22, 2003, Sunflower Rail Company, LLC (SRC), a subsidiary of Sunflower Electric Power Corporation (Sunflower), filed a petition seeking an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 for authority to construct and operate approximately 4.7 miles of railroad line in the vicinity of Garden City in Finney County, Kan. The petition stated that the new line would consist of two line segments connected in the middle by a line of railroad owned by The Garden City Western Railway, Inc. SRC concurrently filed a related petition in Sunflower Rail Co.—Petition for Crossing Authority—in Finley County, Kan., Docket No. FD 34210 (Sub-No. 1), seeking authority to cross track owned by The Burlington Northern and Santa Fe Railway Company, now known as BNSF Railway Company, in conjunction with SRC's proposed railroad line.

By decision served March 28, 2003, in Docket No. FD 34210, the Board conditionally granted the construction and operation exemption, subject to completion of the required environmental review. Since the Board's March 28, 2003 decision, however, the Board has not been informed by SRC that it has taken any action to move forward with the necessary environmental review. Accordingly, the conditional exemption granted in Docket No. FD 34210 will be vacated, and the proceeding will be dismissed without prejudice.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

Additionally, because the purpose of SRC's petition for crossing authority in Docket No. FD 34210 (Sub-No. 1) was solely to facilitate the line construction in the main docket, that petition will be dismissed as moot and the proceeding closed.

It is ordered:

1. The conditional exemption granted in Docket No. FD 34210 is vacated, and the proceeding is dismissed without prejudice.
2. SRC's petition for crossing authority filed in Docket No. FD 34210 (Sub-No. 1) is dismissed as moot, and the proceeding is closed.
3. This decision is effective on its service date.

By the Board, Board Members Begeman and Miller.